IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

MISC. APPLICATION No. 152 of 2007.
IN
CRIMINAL REVISION APPLICATION No.79/2007

Raju Doshi ..Applicant.

Vs.

Vijay Ahluwalia & Ors Respondents.

Santosgh Pandey i/b ABG & Associates for the Applicant.

S.B. Patil i/b Ajit Karwande, Advocate for respondent No.1.

M.H. Mhatre, A.P.P. for Respondent no.2.

CORAM: V.C. DAGA,J.
DATED: 2ND JULY, 2007.

P.C.:-

1. Heard rival parties.

2. Perused application.

3. This revision application was disposed of by an order dated 30.11.2006 by this Court on the basis of the consent terms dated 29.11.2006. However, it appears that those consent terms could not be implemented. With the result, the order dated 30.11.2006 was to operate and the applicant was required to surrender to the custody on or before 8.7.2007. However, it appears that the parties to the revision application have renegotiated the terms of settlement and

arrived at fresh consent terms. The same are filed on record, styled as additional consent terms, marked as Exh."X-1" for identification. Both parties have accepted the modified terms of settlement.

4. The respondent no.1 is present. The parties to the revision application are represented by their respective Advocates, who have put their signatures in confirmation of the additional consent terms.

5. In view of the above consent terms, the payments are to be made on or before 15th April, 2008 in instalments as reflected in the consent terms.

6. The applicant and surety both of them have signed and delivered post dated cheques in the custody of the complainant-respondent which the respondent has acknowledged. The applicant and his surety has given an undertaking to this Court to honour all the cheques.

7. In view of the above settlement, the applicant-accused shall not be taken in the custody till 30th April, 2008. Thus, the

sentence is deferred till that period. It is only on payment being made as undertaken in the terms of settlement, the offences shall stand compounded and thereafter the applicant - accused shall not be required to surrender. However, in default of payment as per the terms and conditions of the consent terms, the applicant shall surrender his custody on or before 30th April, 2008. Copy of the additional consent terms be submitted to the concerned police station for record and necessary action. Earlier consent terms accordingly stand modified.

8. Miscellaneous application accordingly stands disposed of in terms of this order with no order as to costs.

9. The parties to act on an authenticated copy of this order.

(V.C. DAGA,J.)